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**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF UTAH**

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**AARON N. GRAVES,**

**Plaintiff,**

**vs.**

**SELECT PORTFOLIO SERVICING,  
INC.; et al.,**

**Defendants.**

**ORDER ADOPTING AND AFFIRMING  
REPORT AND RECCOMENDATION**

**Case No. 2:20-cv-00458-DAK-JCB**

**Judge Dale A. Kimball**

**Magistrate Judge Jared C. Bennett**

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This case was assigned to United States District Judge Dee Benson, who referred it to United States Magistrate Judge Jared C. Bennett under 28 U.S.C. § 636(b)(1)(B). (ECF No. 17.) On November 9, 2019, Magistrate Judge Bennett issued a Report and Recommendation recommending that:

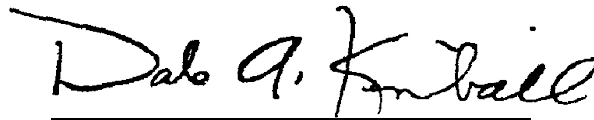
- (1) Plaintiff's motion to strike (ECF No. 14) be DENIED;
- (2) Defendants Select Portfolio Servicing, Inc.; The Bank of New York Mellon as Trustee for CWABS, Inc. Asset-Backed Certificates, Series 2005-4; Mortgage Electronic Registration Systems, Inc.; Bank of America, N.A.; Countrywide Home Loans Servicing, LP; and America's Wholesale Lender, Corp.'s (collectively, "Moving Defendants") motions to dismiss (ECF Nos. 12, 20) be GRANTED;
- (3) A *sua sponte* motion to dismiss Defendants Ditech Financial, LLC fka Green Tree Servicing; BWW Law Group, LLC; Carrie M. Ward; and Howard Bierman (collectively, "Remaining Defendants") be GRANTED; and
- (4) This action be DISMISSED WITH PREJUDICE.

The Report and Recommendation also notified that the parties must file any objection to the Report and Recommendation within 14 days after receiving it. The court<sup>1</sup> has not received an objection to the Report and Recommendation even though more than a month has passed since it was issued.

The court has reviewed the file *de novo* and adopts the Magistrate Judge's Report and Recommendation in its entirety. Accordingly, Plaintiff's motion to strike (ECF No. 14) is DENIED, the Moving Defendants motions to dismiss (ECF Nos. 12, 20) are GRANTED, a *sua sponte* motion to dismiss the Remaining Defendants is GRANTED, and this action is DISMISSED WITH PREJUDICE.

DATED this the 15th day of December, 2020.

BY THE COURT:

A handwritten signature in black ink, reading "Dale A. Kimball". The signature is written in a cursive, flowing style. The first name "Dale" is written with a large, prominent "D". The last name "Kimball" is written with a large, prominent "K". The signature is positioned above a horizontal line.

DALE A. KIMBALL

United States District Judge

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<sup>1</sup> After the Report and Recommendation was issued, the case was reassigned from Judge Benson to this court. (ECF No. 23.)